Legislation for Judicial Ombudsmen

547. SHRI V. NARAYANASAMY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that Government propose to bring a legislation in the Parliament on Judicial Ombudsmen; and

(b) if so, the salient features thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) No, Sir.

(b) Does not arise.

Ban on contesting elections

†548. DR. PRABHA THAKUR: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that all political parties have recently held discussions for evolving consensus on the suggestion given by the election commission that persons having more than 2 children should not be allowed to contest election; and

(b) if so, Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) and (b) The Constitution (Seventy-ninth Amendment) Bill, 1992 was introduced in Rajya Sabha in December, 1992. Under the provisions of the Bill a person shall be disqualified for being chosen as, and for being a member of either House of Parliament or the Legislative Assembly or, as the case may be, either of the Legislature of the State, if he/she has more than two children. However, it will not apply to those who already have more than two children or those who beget an additional child within one year of the commencement of the Act. The Bill was referred to the Parliamentary Standing Committee on Human Resource Development for examination. The Committee examined the Bill and recommended the Bill for passage without any change.

While recommending the Bill for passage, the Committee also recommended that the Government may convene a meeting of leaders of various political parties in Parliament to ensure the passage of the Bill.

†Original notice of the question was received in Hindi.

Accordingly, meetings were held on 14th August, 1997 and 13th December, 1999. However, no consensus could emerge in these meetings. In the last meeting held on 13th December, 1999, many leaders were of the view that the Bill needs to be withdrawn from the Rajya Sabha. This issue was discussed in the meeting of the Consultative Committee of the Parliament on 2nd May, 2003, where a consensus emerged among the Members on the need for more effective measures for controlling population growth in the country. It was felt that there was need for larger consensus on the matter, for which a meeting of leaders of political parties could be convened. However, since the policy of the Government is to keep the family welfare programme as voluntary and free from any incentives, disincentives or coercion, the option of withdrawing the Bill is under consideration of the Government.

Filling up of vacancies of Judges

549. SHRIMATI N.P. DUGRA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is not a fact that 21 Hight Courts have 137 vacancies of Judges;

(b) whether it is also a fact that the district and subordinate courts are devoid of 2,845 Judges;

(c) if so, the details of the vacancies in High Courts, district and subordinate courts, State-wise; and

(d) the measures taken by Government to fill up the vacancies?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K: VENKATAPATHY) (a) to (d) Against the sanctioned strength of 675 Judges in 21 High Courts 536 Judges were in position as on 21.11.2005, leaving 139 vacancies to be filled up. A statement showing the High Court -wise details of the vacant posts is given at Statement-I (*See* below).

1.1 Pursuant to the Supreme Court Judgement of Octobe 6, 1993 read with their Advisory Opinion of October 28,1998, the process of initiation of proposal for appointment of Judges of a Hight Court lies with the Chief Justice of that Hight Court. The Government have, however , been requesting the Chief Justices of the High Courts,Chief Ministers